

In the Matter of ELECTRIC STEEL ELEVATOR DIVISION OF RUSSELL-MILLER MILLING Co. and FLOUR, CEREAL, ELEVATOR WORKERS AND CAR-COOPERS UNION, LOCAL 19152, AFFILIATED WITH THE A. F. OF L.

Case No. R-1416

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

October 13, 1939

On August 10, 1939, the National Labor Relations Board, herein called the Board, issued its Decision and Direction of Election in the above-entitled proceeding.¹ The Direction of Election provided that an election by secret ballot be conducted within twenty (20) days from the date of the Direction among the employees on the seniority list of Electric Steel Elevator Division of Russell-Miller Milling Co., excluding the superintendent, assistant superintendent, shed foreman, inspectors, assistant inspectors, clerical employees, and those who had permanently quit or been discharged for cause, to determine whether they desired to be represented by Flour, Cereal, Elevator Workers and Car-Coopers Union, Local 19152, affiliated with the American Federation of Labor, herein called the A. F. of L., or by United Grain Workers, Local No. 492, affiliated with United Cannery, Agriculture, Packing and Allied Workers of America and with the Congress of Industrial Organizations, herein called the C. I. O., for the purposes of collective bargaining, or by neither.

Pursuant to the Direction of Election, an election by secret ballot was conducted on August 29, 1939, under the direction and supervision of the Regional Director for the Eighteenth Region (Minneapolis, Minnesota). On August 30, 1939, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, issued an Election Report, copies of which were duly served upon the parties.

¹ 14 N. L. R. B. 446.

15 N. L. R. B., No. 118.

As to the balloting and its results, the Regional Director reported as follows:

1. Total Number Eligible.....	17
2. Total Number of Ballots Cast.....	16
3. Total Number of Ballots Counted.....	14
4. Total Number of Ballots Cast for Flour, Cereal, Elevator Workers and Car-Coopers Union, Local 19152, Affiliated With The A. F. Of L.....	8
5. Total Number of Ballots Cast For United Grain Workers Local No. 492, Affiliated With The United Cannery, Agri- culture, Packing And Allied Workers of America, And With The C. I. O.....	6
6. Total Number of Ballots Cast For Neither Labor Organ- ization	0
7. Total Number of Blank Ballots.....	1
8. Total Number of Void Ballots.....	1
9. Total Number of Challenged Ballots.....	0

On September 5, 1939, the C. I. O. filed with the Regional Director Objections to the Election Report. The Objections alleged in substance that two persons who intended and desired to vote for the C. I. O. did not do so because of their inability to understand the ballot given. On September 12, 1939, the Regional Director issued his Report on Objections, copies of which were duly served upon the parties. The Regional Director found, therein, that the Objections to the Election Report were based solely on the tabulation of the two ballots counted as void and blank and that the authorized observers of the A. F. of L. and the C. I. O. at the election, before the other ballots were counted, agreed that the two ballots should be so tabulated. The authorized observers also signed a Certification on Conduct of Election, certifying that the ballots were fairly and accurately counted and tabulated, and that the secrecy of the ballots was maintained. Photostatic copies of the two ballots were attached to the Regional Director's report. On October 2, 1939, the C. I. O. submitted affidavits signed by 10 of the 17 employees eligible to participate in the election stating that they desired to be represented by the C. I. O. for the purposes of collective bargaining.

The Board has considered the Objections, and the Report on Objections, and the affidavits referred to above, and finds that the Objections raise no substantial and material issues with respect to the conduct of the ballot. They are hereby overruled.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2,

It is HEREBY CERTIFIED that Flour, Cereal, Elevator Workers and Car-Coopers Union, Local 19152, affiliated with the American Federation of Labor, has been designated and selected by a majority of the employees of Electric Steel Elevator Division of Russell-Miller Milling Co., excluding the superintendent, assistant superintendent, shed foremen, inspectors, assistant inspectors, and clerical employees, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Flour, Cereal, Elevator Workers and Car-Coopers Union, Local 19152, affiliated with the American Federation of Labor, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.